

Privacy Policy

Introduction: Purpose of this privacy notice

Welcome to the Merch Hero Ltd (referred to as “Merch Hero” “We” “Us” or “Our”) Privacy Policy.

Capitalised terms used in this policy will have the meaning given in the **Merch Hero Terms and Conditions**, unless defined otherwise. By using the Fulfilment Service You are acknowledging and accepting the terms of this policy.

We respect the privacy of everyone that engages with Us and are committed to protecting any personal data we come in contact with. This Privacy Policy will inform you as to how we collect, look after and/or use personal data and about how We comply with international data protection laws.

It is important that You read this privacy notice together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal data about You or your Purchasers so that you are fully aware of how and why We are using the data.

Please use the Glossary at the end of this Privacy Policy to understand the meaning of some of the terms used.

1. Important information and who we are

Merch Hero provides direct Fulfilment Services to and on behalf of Customers who place Orders for Products with Us. We produce and deliver those Products to the Customer’s Purchasers on the Customer’s behalf. The Customer will provide Us with Customer and Purchaser data through the use of the Fulfilment Service, in order to enable Us to perform the contract we have entered into with the Customer .

Controller or Processor?

The Customer is the data controller because the Customer determines the purpose for which and the means by which personal data is processed.

Merch Hero is the data processor because We process personal data on behalf of and at the direction of the Customer in order to provide the Fulfilment Services.

Contact details

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing and supervising the processing of personal data by Us. This includes answering questions in relation to this Privacy Policy. If you have any questions, including any requests to exercise your legal rights (outlined below), please contact the DPO using the following details:

Email address: legal@moteefe.com

You also have the right to make a complaint at any time to the Information Commissioner's Office (ICO), or other applicable supervisory authority for data protection issues. We would, however, appreciate the chance to deal with your concerns beforehand so please contact Us in the first instance.

Changes to the privacy notice

This version was last updated on 5 April 2021.

We keep Our Privacy Policy under regular review and reserve the right to revise it at any time. It is your obligation to check the website regularly to review Our current Privacy Policy. You will be subject to the Privacy Policy in force at the time that you use the website and Fulfilment Service.

Third-party links

Our website may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave Our website, we encourage you to read the privacy policy of every website you visit.

2. The data we process

Personal Data, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

Merch Hero is the processor and We will process the Personal Data in accordance with the instructions stated in this Privacy Policy or any other documented instructions provided by the controller.

Merch Hero processes Personal Data because you use Merch Hero's services and/or because you provide Personal Data relating to yourself or your Purchasers to Merch Hero. The Personal Data processed by Merch Hero depends on who you are and therefore how you use Our services. We have given an outline below.

We may process the following Personal Data relating to Customers:

- (a) **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- (b) **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- (c) **Financial Data** includes bank account and payment card details.
- (d) **Transaction Data** includes details about payments to and from You and other details of products and services You have purchased from Us.
- (e) **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website.
- (f) **Profile Data** includes your username and password, purchases or orders made by You.
- (g) **Usage Data** includes information about how you use the Fulfilment Service and Our products and services.
- (h) **Marketing and Communications Data** includes your preferences in receiving marketing from Us and Our third parties and your communication preferences.

We may process the following Personal Data, provided to Us by the Customer, relating to Purchasers:

- (i) **Identity Data** includes first name, maiden name, last name, marital status, title, date of birth and gender.
- (j) **Contact Data** includes delivery address, email address and telephone numbers.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from Personal Data but is not considered Personal Data in law as this data does **not** directly or indirectly reveal a person's identity. For example, we may aggregate your Usage Data to calculate the percentage of customers ordering a specific product type. However, if we combine or connect Aggregated Data with Personal Data so that it can directly or indirectly identify a Customer or a Purchaser, we treat the combined data as Personal Data which will be used in accordance with this Privacy Policy.

The Fulfilment Service is not aimed at activities that require Us to process **Special Categories of Personal Data** (this includes details about a person's race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about health and genetic and biometric data) and we therefore ask that you do not provide this information. Nor do we collect any information about criminal convictions and offences.

The Fulfilment Service is not intended for use by minors and we have no intention at all of collecting information about minors. We request that the Customer takes all necessary steps to prevent minors' data from being passed to Us and processed by Us.

As a Customer and data controller, what are your obligations?

As a data controller, You are responsible for the relationship with the data subjects (in other words, your Purchasers) who visit your store and buy Products from You. You are instructing Us to process the data but it is Your responsibility to set the purpose and legal basis for the processing. All third parties have to abide by the terms agreed by the data controller and the data subject and You must therefore have Your own data processing agreements with your Purchasers.

If you fail to provide Personal Data

Where We need Personal Data by law, or under the terms of a contract We have with You and You fail to provide that data when requested, We may not be able to perform the contract We have or are trying to enter into with You (for example, to provide you with the goods or services of the Fulfilment Service). In this case, We may have to cancel the whole or any part of the Fulfilment Service. We will notify You if this is the case at the time.

3. Why Personal Data are processed

We will only process Personal Data when the law allows Us to. Most commonly, We will use Personal Data in the following circumstances:

- Where We need to perform the contract We are about to enter into or have entered into with the Customer.
- Where it is necessary for Our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where We need to comply with a legal or regulatory obligation.

We have set out below, in a table format, a description of all the ways We plan to process Personal Data, the type of data (by reference to the lists in section 2 above) and which of the legal bases We rely on to do so. We have also identified what Our legitimate interests are where appropriate.

Note that We may process Personal Data for more than one lawful ground depending on the specific purpose for which We are using your data. Please contact Us if you need details about the specific legal ground We are relying on to process your Personal Data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register You as a new Customer	(a) Identity (b) Contact	Performance of a contract with You
To process and deliver Orders including: (a) Manage payments, fees and charges (b) Collect and recover money owed to Us (c) Deliver the Product to the Purchaser	(a) and (i) Identity (b) and (j) Contact (c) Financial (d) Transaction	(a) Performance of a contract with You (b) Necessary for Our legitimate interests (to recover debts due to Us)

<p>To manage Our relationship with You which will include:</p> <p>(a) Notifying You about changes to Our terms, copyright or privacy policy</p>	<p>(a) Identity (b) Contact (f) Profile</p>	<p>(a) Performance of a contract with You (b) Necessary to comply with a legal obligation (c) Necessary for Our legitimate interests (to keep Our records updated and to study how customers use Our products/services)</p>
<p>To administer and protect Our services, business and website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identity (b) Contact (e) Technical</p>	<p>(a) Necessary for Our legitimate interests (for running Our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation</p>
<p>To use data analytics to improve Our website, products/services, marketing, customer relationships and experiences</p>	<p>(a) Identity (g) Usage</p>	<p>Necessary for Our legitimate interests (to define types of customers for Our products and services, to keep Our website updated and relevant, to</p>

		develop Our business and to inform Our marketing strategy)
--	--	--

Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of the website may become inaccessible or not function properly. For more information about the cookies We use, see the section on cookies below.

4. Disclosures of Personal Data

We may have to share Personal Data with the parties set out below for the purposes set out in the table in section 3 above.

- Internal Third Parties as set out in the Glossary.
- External Third Parties as set out in the Glossary.
- Third parties to whom we may choose to sell, transfer, or merge parts of Our business or Our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to Our business, then the new owners may use Personal Data in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of Personal Data and to treat it in accordance with the law. We do not allow Our third-party service providers to use your Personal Data for their own purposes and only permit them to process your personal data for specified purposes. Merch Hero concludes processors' agreements with third parties that process Your or Your Purchasers' Personal Data in order to perform the contractual obligations or if it is based on legal obligations or legitimate interests.

5. International transfers

IF TRANSFERS OUT OF EEA OCCUR:

We may share Purchasers' Personal Data with Our shipping suppliers and/or print suppliers. This will sometimes involve transferring Personal Data outside the European Economic Area (EEA).

We ensure Personal Data is protected by requiring all Our group companies to follow the same rules when processing Personal Data.

Some of Our external third parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever We transfer your Personal Data out of the EEA, We ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- Where We use certain service providers, We may use contracts which give Personal Data the same protection it has in Europe.
- Where We use providers based in the USA, We may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to Personal Data shared between Europe and the USA.

Please contact Us if you want further information on the specific mechanism used by Us when transferring your Personal Data out of the EEA.

6. Data security

The protection of all Personal Data is very important to Us and We have put in place appropriate security measures to prevent Personal Data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

7. Data retention

How long will you use my personal data for?

We will only retain Personal Data for as long as necessary to fulfil the purposes We collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for Personal Data, We consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of Personal Data, the purposes for which We process Personal Data and whether We can achieve those purposes through other means, and the applicable legal requirements.

By law We have to keep basic information about Our customers (including Contact, Identity, Financial and Transaction Data) for six years after they cease being customers for tax purposes.

In some circumstances you can ask Us to delete your data by contacting Us (please see further information about erasure of Personal Data below).

In some circumstances We may anonymise Personal Data (so that it can no longer be associated with you) for research or statistical purposes in which case We may use this information indefinitely without further notice to you.

8. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your Personal Data.

- Request access to your Personal Data.
- Request correction of your Personal Data.
- Request erasure of your Personal Data.
- Object to processing of your Personal Data.
- Request restriction of processing your Personal Data.
- Request transfer of your Personal Data.
- Right to withdraw consent.

If you wish to exercise any of the rights set out above, please contact Us.

No fee usually required

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive.

What we may need from you

We may need to request specific information from you to help Us confirm Your identity and ensure your right to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up Our response.

Time limit to respond

We try to respond to all legitimate requests within one month. Occasionally it may take Us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

9. Glossary

LAWFUL BASIS

Legitimate Interest means the interest of Our business in conducting and managing Our business to enable Us to give you the best service/product and the best and most secure experience. We make sure We consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Data for Our legitimate interests. We do not use your Personal Data for activities where Our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how We assess Our legitimate interests against any potential impact on you in respect of specific activities by contacting Us.

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Comply with a legal or regulatory obligation means processing your Personal Data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

THIRD PARTIES

External Third Parties

- Service providers based in the UK, Czech Republic, Spain, Italy or France who provide IT and system administration services.
- Professional advisers including lawyers, bankers, auditors and insurers based in the UK and Europe who provide consultancy, banking, legal, insurance and accounting services.

- HM Revenue & Customs, regulators and other authorities based in the United Kingdom and Portugal who require reporting of processing activities in certain circumstances.
- Our suppliers who supply products, digital printing and other services, who may from time to time be engaged by Us to provide the Fulfilment Service to You.

YOUR LEGAL RIGHTS

You have the right to:

Request access to your Personal Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data We hold about you and to check that we are lawfully processing it.

Request correction of the Personal Data that We hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though We may need to verify the accuracy of the new data you provide to Us.

Request erasure of your Personal Data. This enables you to ask Us to delete or remove Personal Data where there is no good reason for Us continuing to process it. You also have the right to ask Us to delete or remove your Personal Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your Personal Data. This enables you to ask Us to suspend the processing of your Personal Data in the following scenarios: (a) if you want Us to establish the data's accuracy; (b) where Our use of the data is unlawful but you do not want Us to erase it; (c) where you need Us to hold the data even if we no longer require it as you need it to

establish, exercise or defend legal claims; or (d) you have objected to Our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for Us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Cookies

Cookies are text files stored, either on a temporary or persistent basis on the hard drive of your computer. Cookies are used for authenticating, session tracking and maintaining specific information about the use and users of the Platform.

The data collected by cookies is anonymous. You can delete all cookies that are already on your computer's hard drive by searching for files with "cookie" in it and deleting them. In addition, if you want to stop cookies from being stored on your computer, you can edit your browser settings so that cookies are blocked. However if you block cookies you may not be able to use the full functionality of the Platform. For more information about cookies, please visit: www.allaboutcookies.org.

Web beacons consist of a small string of software code that represents a graphic image request on a page or email. There may or may not be a visible graphic image associated with the web beacon and often the image is designed to blend into the background of a page or email. Web beacons can be used for many purposes - including site traffic reporting, unique visitor counts, advertising auditing and reporting, and personalization. Web beacons used by the Platform collect only anonymous data.

Our website uses cookies to distinguish you from other users of the website. This helps Us to provide you with a good experience when you browse the website and also allows Us to improve the website. By continuing to browse the website, you are agreeing to Our use of cookies for the following purposes:

- (a) to remember your login or to keep session information;
- (b) to make the Platform work more effectively; and

(c) anonymous cookies are used to analyse how many visitors come to the Platform and to track how they use it.

On the website, we use information about your visit to serve you relevant advertisements on other websites, including Google, across the Internet. This is achieved by placing a cookie on your browser which is then called upon by a third-party website which then serves you Our ad. Never in this process is Person Data (i.e. data allowing you to be personally identified) passed between Us and the website serving the ad.

You can opt out of Google's use of cookies by visiting the Ads Preferences Manager. Websites may include links as well as banner advertisements of/to third parties which use information about your visits to this and other websites. Our website does not control the dissemination of their cookies. You should check relevant third party websites for more information about this.

Queries or complaints

We intend to meet the highest standards when collecting and using your personal information. In any case you suspect that Our collection or use of information is unfair, misleading or inappropriate, we encourage you to bring it to Our attention. We are happy to provide any additional information or explanation needed.

Please contact Us if you have any issues, comments or questions about the above.